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Date: 4/1/2009 2:37 PM
Subject: Comments on LDAR Stakeholder Group

April 1, 2009

Mr. Ronnie Kramer
MC-174
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Dear Ronnie,

Enclosed are the comments of the Houston Regional Group and Lone Star Chapter of the Sierra Club (Sierra Club) regarding the HB 1526 Supplemental Leak Detection and Repair (LDAR) Rule Making Stakeholder Group Meeting that was held in Houston, Texas on March 30, 2009.

The Sierra Club supports TCEQ's proposal to prepare a draft rule for implementation of HB 1526. TCEQ is required to do this due to legislative direction. The Sierra Club believes that the oil/gas and petrochemical industries are being ungrateful in their response to TCEQ's proposal.

The Texas Legislature passed a law to assist these industries so they will have incentives to use new LDAR technology, like the infrared (IR) camera. Instead of being positive, the industries complain and whine that they want TCEQ not to do what the Texas Legislature told them to do and to immediately implement the December 22, 2008 U.S. Environmental Protection Agency (EPA) alternative LDAR work practice even though this requires amendment of the State Implementation Plan (SIP), changes to federal operating permits, and changes to Chapters 115 and 116.

Instead of looking to TCEQ to give industries a break, a hand-out, these companies, which are the most powerful politically and economically in Texas and perhaps the world, should buy IR cameras with their own money for the following reasons:

- 1) Ambient air quality, in particular ozone, will be improved by such actions which benefits the health of millions of people in regions of Texas.
- 2) Toxic air emissions will be lowered which means that these industries will start behaving like good neighbors to fence-line communities.
- 3) Occupational levels of harmful chemicals will fall which means workers will be sick less and the industries will save money on health care plans.
- 4) Economically these industries benefit by saving product and creating more efficient processes that generate more money.
- 5) By using the IR camera along with regular LDAR hydrocarbon analyzers the industries ensure that explosions, fires, and releases are minimized, capitol investments are protected, and people are not injured or die.
- 6) The oil/gas and petrochemical industries can easily afford buying IR cameras especially since in the past several years they have had record profits or the cost for an IR camera is a miniscule expense for the benefits derived (high cost/benefit ratio).

For these reasons the industries don't need the incentives that are found in HB 1526 and the Sierra Club encourages these industries to go ahead and buy the IR camera because it is a supplemental device to help make your company more profitable and will reduce your liability.

The Sierra Club would rather TCEQ require use of the IR camera via rule with the current LDAR hydrocarbon analyzers. However, we understand that TCEQ must implement legislative intent regarding incentives.

The Sierra Club does not support a defacto enforcement exemption based on a case-by-case discretionary review by TCEQ. TCEQ must genuinely look at violations found with the IR camera and weigh their environmental and public health impacts and then decide if the violations should be exempt.

The Sierra Club supports the requirement that any leaks found will have to be reported on the emissions inventory and as upsets. However TCEQ decides to provide incentives, it is very important that the public have complete access to all information about leaks found by IR cameras. It is the public's air that is being contaminated and the public's health that is being impacted by such

leaks. By having access to this information the public will know what it is exposed to, why such leaks have occurred, and can take appropriate action to get the company to prevent leaks in the future.

The Sierra Club encourages TCEQ to make the definition for reasonable time frame for repair of components as short as possible to stop the leak and reduce exposure of the public to air pollutants.

The Sierra Club does not oppose the use of on-site technical assistance as an incentive. The Sierra Club does not understand at this time how using an alternative leak detection technology can assist the industries in compliance histories and does not believe that the use of the IR camera should solely be used to reduce the number of inspections scheduled. Any inspection scheduled should be unannounced so that industries are not able to prepare for the inspection by making their operations appear better than they normally are. The Sierra Club does not believe that pollution credits should be given for using the IR camera because the Houston-Galveston-Brazoria Ozone Non-Attainment Area is so badly out-of-compliance that it needs all the permanent reductions it can get.

Because the IR camera is thought of as the best supplemental technology it makes sense for TCEQ to require its use via rule. In addition, TCEQ should require that units that are not currently required to conduct LDAR, such as storage tanks, flares, incinerators, process vessels, loading and unloading, and transport vehicles, should by rule be required to conduct LDAR either via hydrocarbon analyzers or a combination of these devices and IR cameras.

The Sierra Club supports, in other rule-making, having TCEQ begin the process of incorporating the EPA alternative work practice for LDAR, using IR cameras, so that the SIP, Chapters 115/116, and other requirements can be changed to so this technology can be used, but not replace hydrocarbon analyzers, which give a ppm concentration whereas the IR cameras do not.

The Sierra Club does not believe that adequate correlation of IR camera images with hydrocarbon analyzer readings has been developed. We need to know the type of chemical(s) leaked and its/their concentration to determine an accurate emissions inventory and to find control measures to reduce unacceptable levels of air pollutants.

The Sierra Club appreciates this opportunity to comment. Thank you.

Sincerely,

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Ronnie Kramer - LDAR group comments

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Subject: LDAR group comments
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Industry Professionals for Clean Air, Galveston Houston Association for Smog Prevention and Environmental Defense Fund

Comments on TCEQ Supplemental Leak Detection Rule Making

Stakeholder Group Meeting Follow-up

IPCA, GHASP and EDF have the following general comments on the LDAR rulemaking process:

1. It is evident that all major stakeholders (industry, environmental non-profit organizations, TCEQ and EPA) agree that the optical gas imaging technology, specifically infrared imaging, is extremely useful and valuable for detecting leaks that are large and/or difficult to access. The technology has been well-proven in commercial applications. Therefore, it is regrettable that TCEQ has not been able to implement rules that require this technology to be used routinely.

2. Considering that the technology is well-proven and very effective, we do not understand why its use should be voluntary. Attempting to achieve voluntary use through an incentive program would likely be counter-productive and not ensure use of the device by those facilities which have yet to embrace the use of this valuable technology.

In particular, areas that are currently exempted from method 21 because of inaccessibility could now be included in routine inspections using optical gas imaging technology without any great burden to industry. Plants that adopted this approach have found significant cost benefit by identifying leaks in areas such as pipe racks that could have caused significant property and environmental damage if left undetected.

Further TCEQ itself has identified emissions from leaking tanks as a significant problem. Use of the imaging technology would be an excellent screening tool for companies to determine if they have a problem. For example, current tank seal inspections are generally conducted annually. If imaging is used quarterly and leaks are detected earlier, significant decreases in total emissions could be realized. In addition, use of the cameras before and after a seal repair would be an excellent way to verify that the seal repaired was in fact the source of the leak.

3. Rather than proceeding with the stated plan to implement a supplemental, voluntary program as

indicated in House Bill 1526, we recommend that an amendment be sought in the current legislative session. This amendment should provide for a mandatory use program to ensure as broad and even an implementation of the technology across the petroleum and chemical manufacture industry in Texas as possible.

4. The TCEQ should look to this rulemaking not as an isolated "one-off", but rather as a mold by which Texas will continue to be a leader in the adoption and use of new technologies which have a beneficial impact on efficient operations and emission reductions. As part of this advancement in process and regulation, the TCEQ should not clumsily layer new technologies on top of old methods, but instead start to investigate and implement ways in which these new technologies can partially relieve or entirely supplant earlier methods. The IR camera might prove an excellent example for exactly this sort of advancement and offer the sought after industry incentives as well by relieving some of the current Method 21 requirements in favor of IR camera use. We believe that the IR camera cannot yet fully replace Method 21 in LDAR programs but we think that there are areas where tradeoffs can be made with a net savings to industry, in terms of staff time, process coverage and saved product, and a net benefit to air quality through reduced emissions.

5. We fully realize that some of these advancements and choices will likely require changes to some of our fundamental air quality regulations such as the SIP. However, this should not be an impediment to progress and the TCEQ must accept the fact that new technologies such as the IR camera offer benefits great enough to justify opening up and revising such regulations. The longer the TCEQ waits to begin to fully implement such new technologies into fundamental rules and regulations, all the more difficult it will become further down the road.



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